

Amendments to the Claims

Please cancel claims 1 - 27 and add new claims 28 - 35.

Listing of the Claims:

Claims 1 - 27 (CANCELED)

28. (NEW) An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:

- (a) a pre-formed, cone-shaped jacket with a base and an apex;
 - (i) said base defining an opening sized to receive a heart;
 - (ii) said cone-shape jacket being sized and adapted to constrain cardiac expansion during diastolic filling of the heart; and

- (b) said jacket being sized to be applied over a pericardium of the heart.

29. (NEW) An apparatus according to claim 28 wherein:

- (a) said jacket comprises an elastic material.

30. (NEW) An apparatus according to claim 28 wherein:

- (a) said jacket is sized to constrain diastolic expansion beyond a predetermined limit.

31. (NEW) An apparatus according to claim 28 wherein:

(a) said jacket comprises an open cell construction.

32. (NEW) An apparatus according to claim 28 wherein:

(a) said jacket at least partially includes a shape-memory material.

33. (NEW) An apparatus according to claim 28 wherein:

(a) said cone-shape jacket is adapted to circumferentially surround a heart; and

(b) said jacket moves with expansion and contraction of a heart such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.

34. (NEW) An apparatus according to claim 28 wherein:

(a) said jacket has a compliance lower than a compliance of a wall of the heart.

35. (NEW) An apparatus according to claim 28 wherein:

(a) said jacket includes a band around the heart.